



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending January 13, 2001



WASC Issue

WASC asked for counsel's opinion on whether language in conference report (reported in December 15, 2000, Congressional Record) regarding, *inter alia*, refurbishment of a NOAA vessel "in Alaska" made its way into the final FY 2001 appropriations act for DoC and thereby mandated that the work be restricted to shipyards located in Alaska. We advised that the language is not in the final appropriations act and that while any remarks made by individual representatives may evince certain desires on their parts, the remarks are not law. CLD further advised, in answer to another question, that 33 U.S.C. § 891e is still in effect, but that "checking out" an Alaskan shipyard for purposes of that statutory provision is premature and should be done either as part of the solicitation process or at the time of contract award. Counsel further advised that she could not yet answer a question relating to including in option years for a refurbishment contract work relating to "operational support." (Terry Hart Lee)

SARSAT Operations

We participated in scoring of revised proposals resulting from the oral presentations. At present, the incumbent, SSAI has the superior technical proposal, but further discussions will occur. We anticipate award by early spring. (Mark Langstein)

NCEP Supercomputer

As a result of the anticipated signing of the Project Agreement, we are releasing the RFI to prospective offerors. We are also investigating the feasibility of using GSA's Millennium Contract as an acquisition vehicle. Carl Staton, Chair of the CONOPS Working Group has been appointed Acting NWS CIO. Until his NCEP duties are assumed by his successor, he will continue to chair the Group. (Mark Langstein)

Fluor Enterprises, Inc. v. United States, Court of Federal Claims No. 00-207

We held teleconferences with the Contracting Officer and DOJ concerning our responses to the request for production. We also drafted a response to the request for DOJ and began review of the contract files to remove privileged material prior to inspection by the Fluor

attorney. (Fred Kopatich)

Back- Bay Dispute Settled

Edward Weber (OGC/CLD) and NOAA Counsel (GMartin) in Gloucester, MA have settled this disputed \$50K invoice with the hotel for approx \$13K after conducting discussions with executive management of the Back Bay Hilton (Boston, MA). This concerns the hotel's demand for payment of its \$50k invoice for NOAA's unused block room reservations. Numerous conversations with NOAA Counsel in Gloucester, MA and the hotel. Assisting NOAA in preparing of a contract ratification. (Edward Weber)

CLD "Time to Complete"—0.8 Days

Actions by Contract Law Division during Period from 12/31/2000 1/13/2001

Bureau	Received	Completed
NIST	5	3
NOAA	7	7
Totals	12	10

Contract Law Division—Client Workload
Period Ending 01/13/2001

